

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KUSHAWN S. MILES-EL, #237011

Petitioner,

v.

CASE NO. 2:17-CV-11428
HONORABLE NANCY G. EDMUNDS

SHIRLEE HARRY,

Respondent.

ORDER DENYING PETITIONER'S MOTION FOR APPOINTMENT OF COUNSEL

This matter is before the Court on Petitioner's motion for appointment of counsel in this closed habeas case. In May, 2017, Petitioner filed a second or successive petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 with the Court challenging his state criminal convictions and sentences.¹ On May 8, 2017, the Court transferred the habeas petition to the United States Court of Appeals for the Sixth Circuit because Petitioner had not obtained authorization to file a second or successive petition as required by 28 U.S.C. § 2244(b)(3)(A). On November 15, 2017, the Sixth Circuit denied him permission to proceed on a second or successive petition. Petitioner dated the instant motion on May 1, 2018. He seeks appointment of counsel to assist him with a motion for relief from judgment to challenge his convictions and sentences.

¹Petitioner was convicted of first-degree felony murder, assault with intent to commit great bodily harm and two counts of possession of a firearm during the commission of a felony following a jury trial in the Wayne County Circuit Court in 1994 and was sentenced to life imprisonment without the possibility of parole, a concurrent term of five to 10 years imprisonment, and a consecutive term of two years imprisonment on those convictions.

Petitioner, however, no longer has an active case before the Court because the Sixth Circuit denied him authorization to proceed on a second or successive federal habeas petition. Consequently, the Court has no authority or reason to appoint counsel for Petitioner in this case or any other matter. The Court therefore **DENIES** the motion for appointment of counsel. This case is closed. No further pleadings should be filed in this case.

IT IS SO ORDERED.

s/ Nancy G. Edmunds
NANCY G. EDMUNDS
UNITED STATES DISTRICT JUDGE

Dated: May 8, 2018